



United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317

IN REPLY REFER TO:

PRO-750
WTR-4.10

OCT 29 2002

Jerry D. Olds, P.E.
State Engineer
Division of Water Rights
P.O. Box 146300
Salt Lake City, UT 84114-6300

RECEIVED
OCT 29 2002
**WATER RIGHTS
SALT LAKE**

Subject: Change Application No. a21462 (51-2259)

Dear Mr. Olds:

The subject change application was filed by the Strawberry Water Users Association (Association) and was protested by our office. It is our position that the water being claimed by the applicant is available only because of, and through, Federal facilities. If this water is to be used by the Association, it must be limited to actual accretions and must be done under terms of a contract with the United States. Accordingly, we request that you reconsider your decision limiting diversions to actual accretions and include the necessity of obtaining contractual approvals before proceeding. It should be noted that these issues are directly related to ongoing litigation between the Association and the United States. Because of this, we feel it would be more appropriate for you to withhold approval until such time litigation is concluded.

If meetings or hearings are necessary to address this matter, please notify us.

Sincerely,

Jonathan B. Jones
Water Rights Coordinator